

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

MARJORIE ANN SMITH,

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Plaintiff,

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vs.

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CASE NO. 3:19-CV-105 (CDL)

ZAXBY'S FRANCHISING LLC and  
RESTAURANT SYSTEMS SOLUTIONS,  
LLC,

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Defendants.

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O R D E R

Defendants filed a motion to compel discovery, stating that Plaintiff failed to respond to Defendants' interrogatories and requests for production of documents despite Defendants' attempts to confer with Plaintiff in good faith. Because Plaintiff did not respond to the motion to compel, that motion (ECF No. 35) is granted as unopposed. See Fed. R. Civ. P. 37(a)(3)(B)(iii)-(iv) (allowing one party to file a motion to compel when the other party fails to answer interrogatories served under Rule 33); see also *Allen v. Elbert Cnty.*, No. 3:09-CV-48, 2009 WL 3418167, at \*1 (M.D. Ga. Oct. 19, 2009) (granting a motion to compel when the opposing party failed to respond). Plaintiff is directed to respond to Defendants' discovery requests within 14 days of today's Order. If Plaintiff does not respond, her case may be dismissed for lack of prosecution.

Previously, the Court gave Defendants until February 19, 2021 to file a dispositive motion on Plaintiff's alleged failure to exhaust administrative remedies. That deadline is now extended to July 1, 2021, which is the general deadline for dispositive motions provided by the scheduling order.

IT IS SO ORDERED, this 2nd day of March, 2021.

S/Clay D. Land

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CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA